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October 31, 2023

**BY ECF**

The Honorable John P. Cronan  
United States District Judge for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Doncouse v. Tourneau, LLC and Midtown Equities, LLC*,**  
Case No.: 1:23-cv-01256 (JPC)

Dear Judge Cronan:

We represent defendants Tourneau, LLC and Midtown Equities, LLC (collectively, “Defendants”) in the above-referenced action. In accordance with Rule 5.c of Your Honor’s Individual Rules and Practices, we respectfully write in response to Plaintiff’s request for a conference under Rule 37.2 of the Local Rules of the Court (Docket No. 26).

As an initial matter, we sincerely apologize to Plaintiff and the Court for Defendants’ delay in serving their discovery responses. While we appreciate and regret the impact of that delay, it is not the result of any attempt at obstructionism. During the parties’ prior conferences regarding settlement and discovery, Defendants had conveyed their interest in continuing to explore a potential settlement, and their hope that, so long as a constructive settlement dialogue remained attainable, the parties could direct their resources to that end. Defendants also noted their concern that devoting more resources to litigation activity might impact those resources available for settlement. Although Defendants appreciated Plaintiff’s issuance of a revised settlement demand, and remain in the process of working to obtain further authority, they recognize that attention to that track cannot compromise the advancement of the litigation.

While we appreciate that none of these events excuse Defendants’ delay, we reference them here as context for it. Although settlement remains Defendants’ preference, if the parties remain unable to close the existing gap between their respective positions, Defendants note their commitment to proceeding expeditiously with the balance of discovery, and to working cooperatively with Plaintiff in doing so.

Thank you for Your Honor’s attention to this matter.


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Respectfully submitted,  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
By: /s/ Evan B. Citron  
Evan B. Citron

cc: All counsel of record (by ECF)

In light of Defendants' response, Plaintiff shall advise the Court by November 3, 2023, whether Plaintiff still requests a conference pursuant to Local Rule 37.2.

SO ORDERED.  
November 2, 2023  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge